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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

OPTISTREAMS, INC.

Plaintiff(s),

v.

SEAN GAHAN and DOES 1-25

Defendant(s).

SEAN GAHAN

Counter-Claimant

v.

OPTISTREAMS, INC.

Counter-Defendant.

Case No. 1:05-cv-00117 REC SMS

**ORDER REGARDING
PRODUCTION OF DOCUMENTS**

On May 31, 2005 OptiStreams, Inc. ("OptiStreams") through its counsel of record, Patti Williams, and Sean Gahan ("Gahan") through his counsel of record, Howard A. Sagaser, appeared before Magistrate Judge Sandra M. Snyder concerning the discovery dispute concerning Gahan's First Request for Production of Documents. On March 21, 2005 Gahan served his First Request for Production of Documents on OptiStreams. OptiStreams served its responses on April 26, 2005. On March 18, 2005 OptiStreams and Gahan entered into a protective order, which was signed by this court.

Having reviewed the letters submitted by the respective counsel and considered their respective arguments, the court makes the following order: OptiStreams is directed to

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1
2 produce the documents requested in Request Nos. 1, 2 and 3 to Mr. Gahan's counsel. The
3 production shall be pursuant to the terms of the March 18, 2005 protective order and shall be
4 disclosed to Mr. Gahan's attorneys and expert witnesses only. The financial documents are not
5 to be shown to anyone other than Mr. Gahan's attorneys and expert witnesses. Under no
6 circumstances are these documents to be disclosed to Sean Gahan or his family members
7 unless approval is first obtained from this court.

8
9 Concerning Request No. 4, counsel for OptiStreams has represented to the court
10 that to the extent that said documents consisting of memoranda existed, they have been erased
11 from OptiStreams' computer system. OptiStreams is directed to file a supplemental response
12 setting forth whether such documents exist. If the documents requested in Request No. 4 do
13 exist, OptiStreams is directed to produce those documents.

14 Concerning Request No. 5 which relates to COBRA notices sent to other
15 employees, OptiStreams is directed to produce that information with the identity of the
16 employees redacted and Bates stamped.

17 OptiStreams shall produce the documents on or before June 17, 2005.

18 Approved as to Form:

19 DATED: June 2, 2005.

20 SAGASER, JONES & HAHERSY

21
22 By: /s/ Howard A. Sagaser

23 Howard A. Sagaser, Attorneys for
24 Defendant/Counter-Claimant Sean Gahan

25 DATED: June 2, 2005.

26 JORY, PETERSON, WATKINS, ROSS & WOOLMAN

27 By: /s/ Patti L. Williams

28 Patti L. Williams, Attorneys for
Plaintiff/Counter-Defendant OptiStreams,
Inc.

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DATED: June 6, 2005

By:

/s/ Sandra M. Snyder
The Honorable Sandra M. Snyder, Magistrate
Judge United States District Court for the
Eastern District of California